

REMARKS

This amendment is being filed in response to the Final Office Action dated June 27, 2007. By this Response, claims 41-43, 46-48, 50-52, 63, 64, 69 and 70 are amended. No new matter is added. Claims 41-52, 63, 64, 69 and 70 are now active for examination.

The Office Action and the Telephone Interview

The Office Action rejected claims 41-52, 63-64, 69-70 and 72-78 under 35 U.S.C. §101 for being directed to non-statutory subject matter, and objected to the claims for minor formalities. The Examiner thanked for the favorable indication that claims 41, 46, 50, 63-64 and 69-70 would be allowable if they are rewritten or amended to overcome the rejection(s) under 35 U.S.C. §101, and objections set forth in the office action.

The Examiner is further thanked for the courtesy for granting a telephone interview on September 12, 2007, to discussed proposals in overcoming the rejections under 35 U.S.C. §101, and addressing objections set forth in this office action. Applicants would like to express appreciations to the Examiner's suggestions on effective claim amendments, which are fully incorporated herein, for overcoming the rejections under 35 U.S.C. §101, to achieve allowance.

It is respectfully submitted that the rejections are overcome and the objections are addressed, in view of the telephone interview and the claim amendment and remarks presented herein. It is believed that this application is now in condition for allowance.

The Rejection under 35 U.S.C. § 101 Is Overcome

Claims 41-52, 63-64 and 69 -70 were rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. Specifically, the Office Action contended that the claims are not producing useful, concrete and tangible results.

By this Response, the claims are amended as suggested by the Examiner to achieve allowance. It is submitted that the claims are not directed solely to mere ideas, laws of nature, or natural phenomena. Each of the claims falls squarely into one of the classes of subject matter permitted by 35 U.S.C. § 101, that is to say process or machine, respectively. Independent claims 63 and 64, for example, are tied to a data processing system (machine), and independent claims 41, 46 and 50 are directed to a series of computer-executed steps (process). Independent claims 69 and 70 recite a tangible machine-readable storage medium, in conformity with *In re Beauregard*, 53 F.3d 1583, 35 USPQ2d 1383 (Fed. Cir. 1995). According to the Beauregard decision, computer programs embodied in a tangible storage medium, such as floppy diskettes, are statutory subject matter under 35 U.S.C. §101.

In addition, the claimed process and system are not mere abstract concept or mathematical formula. Rather, the process and system provide useful, concrete and tangible results, in classifying a file or document relative to a predetermined number of categories. For instance, claims 41, 46 and 50 are directed to a method of classifying datasets relative to a predetermined categories, which is a key element for technologies like search engines or databases in identifying and/or retrieving requested files or documents. Techniques described in claim 41 uniquely describes determining trainable semantic vectors for each category using sample datasets, and advantageously classifies datasets according to a specific attribute (the trainable semantic vector) of the datasets and the categories, which improves a machine's efficiency in identifying or retrieving data, and differentiating between unrelated data. Documents or files classified in the same category are likely to be related to one another and may be retrieved together, while documents or datasets in different categories are unlikely to be related. Accordingly, the claims describe concepts that create a "useful, non-abstract result" **analogous** to the method of adding a data field with information on long

distance providers, which the Federal Circuit found to be a “useful, non-abstract result that facilitates differential billing of long-distance calls,” which “fall[s] comfortably within the broad scope of patentable subject matter under §101.” Emphasis added. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999).

Incidentally, Applicants note that paragraph 5 of the office action asserted that claims 63-64 and 69-70 “are, at best, functional descriptive material per se.” However, according to MPEP 2173.05(g), “[t]here is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim inappropriate. A functional limitation must be evaluated and considered, just like any other limitation of the claim.” It is submitted that all of the rejections under 35 U.S.C. § 101 are overcome.

The Office Action asserted that the term “machine-executed” in the claims does not have a corresponding definition in the specification. By this proposed amendment, the term “machine-executed” is amended to “computer-executed.” The specification clearly describes “a computer system upon which an embodiment of the invention may be implemented.” See page 10, lines 9-10 and Fig. 1 of the written description. It is believed that other objections raised by the Office Action are fully addressed by the claim amendments presented herein.

CONCLUSION

Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants’ representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

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extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, reading "Wei-Chen Chen". The signature is fluid and cursive, with the first name "Wei-Chen" and the last name "Chen" clearly distinguishable.

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